

**REMARKS**

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject Application.

**Rejection of the Claims**

In the Office Action mailed January 25th, 2005, claims 13, 29, 45 and 49-53 were rejected for double patenting. Claims 13, 29, 45 and 49-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable.

Claims 13, 29, 45, 51, and 53 are amended. No claims are canceled. Claims 13, 29, 45 and 49-53 remain in the Application for consideration.

**CLAIM REJECTIONS – DOUBLE PATENTING**

Claims 13, 29, 45 and 49-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US Patent No. 6,707, 852.

Applicant acknowledges the double patenting rejection and is willing to file a terminal disclaimer at such a time as the double patenting rejection remains as the sole claim rejection for otherwise allowable claims.

**CLAIM REJECTIONS §103**

Claims 13 and 50 are rejected under §103 as being unpatentable over US Patent No. 5,729,295 to Okada et al (hereinafter, "Okada") in view of US Patent No. 6,055,025 to Shahraray et al (hereinafter, "Shahraray").

1        Claims 29, 45, 49 and 51-53 are rejected under §103 as being unpatentable  
2 over US Patent No. 5,729,295 to Okada et al (hereinafter, "Okada") in view of US  
3 Patent No. 6,055,025 to Shahraray et al (hereinafter, "Shahraray") and further in  
4 view of US Patent No. 5,815 217 to Kumazawa et al (hereinafter, "Kumazawa").

5        **Claim 13** is amended and is directed to a method for encoding a motion  
6 video signal, and recites:

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- 8        • comparing first and second frames of the motion video signal to one  
9        another to determine an absolute pixel difference between the first and  
10        second frames;
  - 11        • determining, based at least in part on the absolute pixel difference,  
12        whether the second frame represents a scene change in a motion video  
13        image represented by the motion video image;
  - 14        • encoding the second frame as an independent frame upon a condition in  
15        which the second frame represents the scene change in the motion video  
16        image; and
  - 17        • encoding the second frame as a motion-compensated frame upon a  
18        condition in which the second frame does not represent the scene change  
19        in the motion video image.
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21        **Claim 13** is amended and includes limitations which are not taught or  
22 suggested by the art of record. Specifically, the acts of comparing first and second  
23 frames of the motion video signal to one another to determine an absolute pixel  
24 difference between the first and second frames is not taught or suggested by the art  
25

1 or record. Further, said act of determining, based at least in part on the absolute  
2 pixel difference, whether the second frame represents a scene change in a motion  
3 video image represented by the motion video image is not taught or suggested by  
4 the art or record. The Office has taken Official Notice that such limitations are  
5 known in the art. Applicant respectfully disagrees. Applicant respectfully requests  
6 that the Office's Official notice regarding the use of absolute pixel difference in  
7 regard to the method of claim 13 be substantiated in compliance with 37 CFR  
8 1.104(d)(2) or that the rejection based upon the Official Notice be withdrawn.  
9 Applicant respectfully submits that amended claim 13 is allowable over the art of  
10 record. As such, Applicant respectfully requests that the §103 rejection be  
11 withdrawn and that claim 13 be allowed.  
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14 **Claims 49-50** depend from claim 13 and are allowable over the art of  
15 record at least for the reasons described above in relation to claim 13.

16 **Claim 51** depends indirectly from claim 13 and is allowable at least for the  
17 reasons described above in relation to claim 13. Further, claim 51 is amended and  
18 now recites the limitation that the absolute pixel difference between the first and  
19 second frames is an average of an absolute value of a difference of each pair of  
20 corresponding pixels between the first and second frames. This limitation is  
21 supported by the specification as originally filed and does not include new matter.  
22 Applicant respectfully submits that amended claim 51 is allowable.

23 **Claims 29 and 45** are amended to include limitations similar to those  
24 described above in relation to claim 13 and are similarly allowable.  
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1       **Claim 52** depends from claim 29 and is allowable over the art of record at  
2 least for the reasons described above in relation to claim 29.

3       **Claim 53** depends indirectly from claim 29 and is allowable over the art of  
4 record at least for the reasons described above in relation to claim 29. Claim 53 is  
5 amended and recites further limitations similar to those described above in relation  
6 to claim 51 and is allowable at least for this additional reason.

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**Conclusion**

Applicant submits that the above claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present Application. Should any issue remain that prevents immediate issuance of the Application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

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